

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 446 OF 2002

Deepak Chandrakant Mehta

... Plaintiff

Vs.

Dina Chandrakant Mehta & Ors.

... Defendants

Mr. Dilip Rai i/by Harsha Rele for Plaintiff.

CORAM : F.I. REBELLO,J.
DATED : SEPTEMBER 30, 2004

P.C.

1. Subsequent to filing of the suit, it is the case of the Plaintiff that Probate proceedings have been initiated and are pending before this court. In view of that, the learned counsel seeks leave to withdraw the suit with liberty to file fresh suit. If the probate is contested, that itself will be treated as a suit. Otherwise there will be an order granting probate. However, considering the facts and circumstances, it will be open to the Plaintiff to file fresh suit if in law so entitled.

2. Petition allowed to be withdrawn.

. Refund of court fees as per rules. C.C.
expedited.

(F.I. REBELLO,J.)